

IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): ROBERT M. R. NEFF

Serial No.: 10/616,794

Examiner: DANG, T. O.

Filing Date: JULY 10, 2003

Group Art Unit: 2823

Title: TUNABLE DIFFERENTIAL TRANSDUCTOR AND ADJUSTMENT METHOD

COMMISSIONER FOR PATENTS
PO Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL LETTER FOR RESPONSE/AMENDMENT

Sir:

Transmitted herewith is/are the following in the above-identified application:

- (X) Response/Amendment () Petition to extend time to respond
() New fee as calculated below () Supplemental Declaration
(X) No additional fee (Address envelope to "Mail stop Non-Fee Amendments")
() Other: (fee \$)

CLAIMS AS AMENDED BY OTHER THAN A SMALL ENTITY						
(1) FOR	(2) CLAIMS REMAINING AFTER AMENDMENT	(3) NUMBER EXTRA	(4) HIGHEST NUMBER PREVIOUSLY PAID FOR	(5) PRESENT EXTRA	(6) RATE	(7) ADDITIONAL FEES
TOTAL CLAIMS		MINUS		= 0	X \$18	\$ 0
INDEP. CLAIMS		MINUS		= 0	X \$86	\$ 0
() FIRST PRESENTATION OF A MULTIPLE DEPENDENT CLAIM					+ \$290	\$ 0
EXTENSION FEE	1ST MONTH \$110.00	2ND MONTH \$420.00	3RD MONTH \$950.00	4TH MONTH \$1480.00		\$ 0
OTHER FEES						\$
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT						\$ 0

Charge \$ 0 to Deposit Account 50-1078. At any time during the pendency of this application, please charge any fees required or credit any overpayment to Deposit Account 50-1078 pursuant to 37 CFR 1.25. Additionally please charge any fees to Deposit Account 50-1078 under 37 CFR 1.16, 1.17, 1.19, 1.20 and 1.21. A duplicate copy of this sheet is enclosed.

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Date of Deposit: 09/29/2004

Typed Name: FRANK C. NICHOLAS

Signature: 

Respectfully submitted,

ROBERT M. R. NEFF

By 

FRANK C. NICHOLAS

Attorney/Agent for Applicant(s)
Reg. No. 33,983

Date: 09/29/2004



IFW

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on September 29, 2004
(Date of Deposit)

FRANK C. NICHOLAS (33,983)
Name of applicant, assignee or registered representative
Frank C. Nicholas
Signature
September 29, 2004
Date of Signature

PATENT
Case No. 10021118-1
(8750/22)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:)	
ROBERT M. R. NEFF)	
)	
Serial No.: 10/616,794)	Group Art Unit No.: 2823
)	
Filing Date: JULY 10, 2003)	
)	
Title: TUNABLE DIFFERENTIAL)	Examiner: DANG, T. O.
TRANSCONDUCTOR AND)	
ADJUSTMENT METHOD)	

RESPONSE TO ELECTION/RESTRICTION REQUIREMENT

DATED SEPTEMBER 3, 2004

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This is in response to an Election/Restriction Requirement dated September 3, 2004. The Applicant respectfully traverses and requests reconsideration of the election/restriction requirement. Should the Examiner maintain the election/restriction requirement, the Applicant elects claims 1-13.

Claims 1-13 drawn to a tunable differential transconductor (Group I) and claims 14-24 drawn to a method for tuning a differential transconductor (Group II) are not distinct such that a restriction for examination purposes is proper.

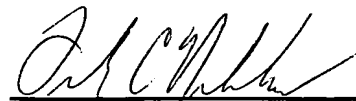
The Applicant respectfully submits that the Examiner errs in finding that the apparatus as claimed can be used to practice another and materially different process, as required to support the conclusion that the groups are distinct under MPEP §806.059(e). The Examiner provides the example of using the transconductor of the Group I invention to vary the gain of an amplifier system for radio frequency signals. This is not an "another and materially different process," but an application of the process as claimed. The exemplary use would require the Group II process to adjust the initial operating parameters of the transconductor and to vary the operating parameters to vary the amplifier gain. Therefore, the exemplary use is not an "another and materially different process" showing that the groups are distinct under MPEP §806.059(e), but an application of the same process.

Reconsideration of the election/restriction requirement is respectfully requested in light of the remarks herein. Should the Examiner maintain the election/restriction requirement, the Applicant elects claims 1-13.

Dated: September 29, 2004

Respectfully submitted,
Robert M. R. Neff

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